

Application No.: 09/721,557
Response to OA dated: August 2, 2004
Response dated: November 2, 2004

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed August 2, 2004. An appropriate Terminal Disclaimer, together with a Certificate of Ownership is filed concurrently herewith.

I. Summary of Examiners Rejections

Prior to the Office Action mailed August 2, 2004, Claims 16, 29 and 57-89 were pending in the Application. In the Office Action mailed August 2, 2004, Claims 16, 29, 57-62, 63-68, 72-77 and 81-86 were rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,158,010. Claims 72-80 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 72-80 were also rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 69-71, 78-80 and 87-89 were rejected under 35 U.S.C. 102(e) as being anticipated by Nessett et al. (U.S. Patent No. 5,968,176, hereafter Nessett).

II. Summary of Applicants' Amendment

The present Response amends Claims 69-80 and 87-89, leaving for the Examiner's present consideration Claims 16, 29, 57-89. Reconsideration of the Application, as amended, is respectfully requested. Applicant reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

III. Claim Rejections under Double Patenting

In the Office Action mailed August 2, 2004, the Examiner rejected Claims 16, 29, 57-62, 63-68, 72-77 and 81-86 under the judicially created doctrine of obviousness-type double patenting over the Claims of U.S. Patent No. 6,158,010. An appropriate Terminal Disclaimer, together with a Certificate of Ownership showing common ownership for both the current application and U.S. Patent No. 6,158,010, is filed concurrently herewith. Applicant respectfully submits that this renders

moot the rejection of Claims 16, 29, 57-62, 63-68, 72- 77 and 81-86 under the doctrine of double-patenting, and reconsideration thereof is respectfully requested.

IV. Claim Rejections under 35 U.S.C. § 112

In the Office Action mailed August 2, 2004, Claims 72-80 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The present Response accordingly amends Claims 72-80. Applicant respectfully submits that Claims 72-80 now conform to the requirements of 35 U.S.C. 112, and reconsideration thereof is respectfully requested.

V. Claim Rejections under 35 U.S.C. § 101

In the Office Action mailed August 2, 2004, Claims 72-80 were rejected under 35 U.S.C. 101, as being directed to neither a process nor a machine. The present Response accordingly amends Claims 72-80. Applicant respectfully submits that Claims 72-80 now conform to the requirements of 35 U.S.C. 101, and reconsideration thereof is respectfully requested.

VI. Claim Rejections under 35 U.S.C. § 102(e)

In the Office Action mailed August 2, 2004, Claims 69-71, 78-80 and 87-89 were rejected under 35 U.S.C. 102(e) as being anticipated by Nessett (U.S. Patent No. 5,968,176).

Claim 69

Claim 69 has been amended by the current Response to more clearly define the embodiment of the invention therein. As amended, Claim 69 defines:

69. *(Amended) A method for maintaining software application security in a distributed computing environment, comprising:
managing a security policy via a policy manager; and*

*managing, via an application guard, access to securable software application components as specified by the security policy;
wherein the application guard further allows for additional customized code to process and evaluate authorization requests in order to access securable software application components based on the additional customized code.*

Claim 69, as currently amended, defines a system for managing a security policy via a policy manager, and managing access to securable software application components specified by the security policy. The application guard further allows for additional customized code to process and evaluate authorization requests in order to access securable software application components based on the additional customized code. Applicant respectfully submits that these features are not disclosed by the cited references. Particularly in the embodiment defined by Claim 58, the application guard allows for managing access to software application components.

Nessett discloses a multilayer firewall system. Nessett apparently discloses a distributed firewall system for establishing security in a network of multiple devices, such as remote access equipment, routers, switches, repeaters and network cards. A security policy script is provided having a syntax that allows translation of the security policy statement into configuration data for the protocol and the device type of the node in the network at which the policy is enforced. (Column 7, Lines 41-45). The generic term "node" refers to either end systems or network devices. End Systems (hosts) are the nodes identified in the policy statements. (Column 8, Lines 1-3). The security policy language itself is used to write a set of security policy statements that specify allowed activity between end systems. An illustrative rule base and syntax has activities like FTP, Telnet, Real Audio and HTTP. (Col 8, Lines 34-55).

It appears from the above description that, in Nessett the nodes protected by the distributed firewall system are devices and end systems (hosts), and that policies are used to protect the network and protocol access to these devices.

However, in the embodiment of the invention defined by claim 69, an application guard is provided for managing access to software application components. In accordance with this embodiment, the software applications typically run on a host or a device, and the network access

to the host occurs first, followed by application access to the software applications running on the host. The security access to these software applications and their application components is different from the network and protocol access to the hosts on which these software applications are running.

Furthermore, Nessett discloses that each NIC, such as the NIC at the end system 601 shown in Figure 7, uses the security policy rules to filter packets at the end system, enforcing the policy rules so that the end system would not be able to receive any traffic other than FTP. (Column 23, Lines 20-26). The two examples described with respect to Figure 6 and Figure 7 describe how the NICs enforce the network security policy for the host systems in a network. (Column 21, Line 54 - Column 23, Line 57). This suggests that, in Nessett, the NICs on the host systems are responsible for enforcing the security policies at the network access of the host systems, and that there is no support for enforcing any security policies for the software applications and their components running on these host systems. Hence, Applicant respectfully submits that Nessett does not teach managing access to software application components, as currently defined by Claim 69.

In view of the above comments, Applicant respectfully submits that Claim 69 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 70, 71, 78-80 and 87-89

Claims 70, 71, 78-80 and 87-89 are not addressed separately but it is respectfully submitted that these claims are allowable for similar reasons as provided above with respect to Claim 69. Applicant respectfully submits that Claims 70, 71, 78-80 and 87-89 are similarly neither anticipated by, nor obvious in view, of the cited references, and reconsideration thereof is respectfully requested.

Application No.: 09/721,557
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It is also submitted that these claims also add their own limitations and features which render them patentable in their own right. Applicant reserves the right to argue these limitations should it become necessary in the future.

VII. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the Claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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